

IN THE UNITED STATES DISTRICT COURT RECEIVED
 FOR THE DISTRICT OF SOUTH CAROLINA USDC CLERK, CHARLESTON, SC
 BEAUFORT DIVISION

2008 MAR 17 P 2:20

Kenny Lindler,

Plaintiff,

v.

**Michael J. Astrue,
 Commissioner of Social Security,**

Defendant.

C/A No. 9:06-3440-CMC-GCK

OPINION AND ORDER

In this action, Plaintiff is seeking judicial review of the final decision of the Commissioner of Social Security pursuant to 42 U.S.C. §§ 405(g) and 1631(c)(3). The Commissioner of Social Security denied his claim for disability insurance benefits. The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge George C. Kosko made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 83.VII.02, *et seq.*, D.S.C.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The United States Magistrate Judge has filed his Report and Recommendation, in which he concludes that the findings of the Administrative Law Judge are supported by substantial evidence and recommends that the decision of the Commissioner be affirmed. No objections have been filed and the time for doing so has expired.

After reviewing the record, the applicable law, the briefs of counsel and the findings and recommendations of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. For the reasons set out therein, the final decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED.

S/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 17, 2008